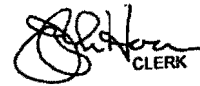


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

MAR 07 2014


CLERK

UNITED STATES OF AMERICA,

CR 13-50101

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

TIMOTHY GRAVENS,

Defendant.

The undersigned parties stipulate that the following facts are true and establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

South Dakota Division of Criminal Investigation, along with the Federal Bureau of Investigation, set up a sex-trafficking operation during the 2013 Sturgis Bike Rally in western South Dakota to catch Internet predators. As a part of the operation, they put out multiple advertisements on Craigslist.com advertising prostitution. Multiple men, including Timothy Gravens, responded to the advertisement utilizing the Internet and engaged in negotiations with the undercover agents who were posing as a "pimp" for sex with either a 12 or 13 year old girl. Gravens responded to the Craigslist.com advertisement on August 3, 2013, late in the evening, indicating he wanted to pay to have sex with a young girl. The undercover agent told Gravens via email that he had two girls available, one 12, "Toni," and one 13, "Bobbi," and provided a photo of Bobbi. Toni and Bobbi were fictional girls and the photos provided were

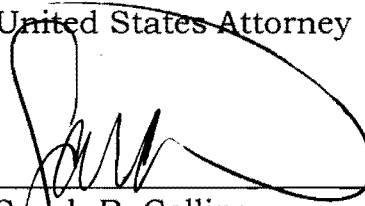
actually age-regressed photos of adults who agreed to participate in the operation. Gravens chose "the youngest" girl and asked if the undercover agent had "anyone younger," specifically a "10 year old" who was "flat and bald." When the undercover agent responded that he only had the two girls, Gravens negotiated to pay \$300 for an hour with Bobbi. He agreed to pay that amount in order to be able to go "bareback," which means to not wear a condom, and to take "some pictures" of her.

Gravens agreed that prior to meeting the girl he would first meet the undercover agent under the guise that the undercover agent needed to be comfortable with him and verify he was not a police officer. Gravens agreed to meet the undercover agent in the evening of August 5, 2013, at a specified gas station in Sturgis.

An undercover agent acting as the pimp went to the agreed upon location at the agreed upon time and met with Gravens. Gravens arrived on a black Harley Davidson motorcycle. Gravens spoke to the agent and indicated he had the \$300, the agreed upon amount of money. Gravens said he was there for the girl and the undercover agent and then other law enforcement agents placed Gravens under arrest and he was transported to the Meade County Jail. He had \$300 and an iPhone 4s, which was capable of Internet and email access, on his person. He also had two cameras on his motorcycle. Subsequent forensic evaluation of the iPhone 4s verified Gravens utilized the iPhone to email with the undercover agent to negotiate the commercial sex act with the young girl.

Craigslist.org is an Internet website for online classified advertisements. Individuals place advertisements on Craigslist.org to sell goods and services on the Internet. If an Internet user is interested in a good or service, that person utilizes the Internet to communicate with the seller of the good or service and they enter into negotiations. Craigslist.org is a California-based corporation with servers located in California. Additionally, no component of the iPhone 4s was manufactured in the State of South Dakota.

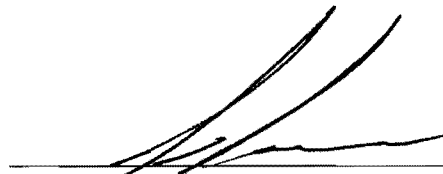
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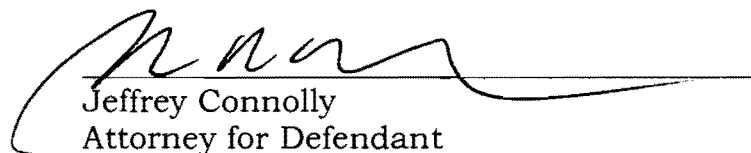
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Date

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Timothy Gravens
Defendant

3/7/14
Date



Jeffrey Connolly
Attorney for Defendant